

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ALFRED OKA and FRANCIS OKA,

Plaintiffs,

-against-

COUNTY OF SUFFOLK, SUFFOLK COUNTY
POLICE DEPARTMENT, SUFFOLK COUNTY
DISTRICT ATTORNEY, SUFFOLK COUNTY
POLICE OFFICER EDWARD RYBY, SUFFOLK
COUNTY POLICE DETECTIVE FRIEDLANDER,
and KELLY KILANOWSKI,

Defendants.

-----X
FEUERSTEIN, District Judge.

DF
ORDER
11-CV-2578 (SJF)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ **JAN 13 2014** ★

LONG ISLAND OFFICE

Before the Court is Magistrate Judge Gary R. Brown's Report and Recommendation ("Report"), dated November 26, 2013, recommending that defendant Kelly Kilanowski's motion for judgment on the pleadings be granted. No objections to the Report have been filed. For the following reasons, the Court adopts Magistrate Judge Brown's Report in its entirety.

I

Any portion of a report and recommendation on dispositive matters, to which a timely objection is made, is reviewed *de novo*. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72. The court, however, is not required to review the factual findings or legal conclusions of the magistrate judge where no proper objections are interposed. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985) ("It does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings."). Thus, to accept the report and recommendation of a magistrate judge on a

dispositive matter to which no timely objection has been made, the district judge need only be satisfied that there is no clear error on the face of the record. *See* Fed. R. Civ. P. 72(b); *Johnson v. Goord*, 487 F. Supp. 2d 377, 379 (S.D.N.Y. 2007); *Baptichon v. Nevada State Bank*, 304 F. Supp. 2d 451, 453 (E.D.N.Y. 2004). After conducting the appropriate review, a district court may accept, reject or modify any of the magistrate judge's findings or recommendations whether or not objections have been filed. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

II

Neither party has filed objections to Magistrate Judge Brown's Report. Upon review, the Court is satisfied that the Report is not facially erroneous and therefore, the Report is adopted in its entirety. Accordingly, defendant's motion for judgment on the pleadings (DE 23) is **GRANTED** as to Kelly Kilanowski and as to this defendant, plaintiffs' claims are dismissed with prejudice. The Clerk of the Court is to amend the caption in accordance with this Order. **SO ORDERED.**

Dated: January 13, 2014
Central Islip, New York

s/ Sandra J. Feuerstein

Sandra J. Feuerstein, U.S.D.J.